

MAX BAUCUS, MONTANA
THOMAS R. CARPER, DELAWARE
FRANK R. LAUTENBERG, NEW JERSEY
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
TOM UDALL, NEW MEXICO
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK

DAVID VITTER, LOUISIANA
JAMES M. INHOFE, OKLAHOMA
JOHN BARRASSO, WYOMING
JEFF SESSIONS, ALABAMA
MIKE CRAPO, IDAHO
ROGER WICKER, MISSISSIPPI
JOHN BOOZMAN, ARKANSAS
DEB FISCHER, NEBRASKA

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA FOIRIER, MAJORITY STAFF DIRECTOR
ZAK BAIG, REPUBLICAN STAFF DIRECTOR

April 30, 2013

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Administrator Perciasepe,

As Chair of the Environment and Public Works Committee, with jurisdiction over the Environmental Protection Agency (EPA), I am writing to express my deepest concern about the massive fire and explosion at the West, Texas facility on April 17, 2013. I want to ensure that a comprehensive investigation is completed by EPA so that the causes of this terrible tragedy are clearly identified and so that this type of disaster is prevented from happening in the future.

EPA, along with others, plays a vital role in preventing accidents like the one at the West facility, which resulted in fifteen fatalities, hundreds of injuries, and damage to homes, businesses, and the adjacent rail line.

By May 16, 2013, I ask that you respond to the information request below:

- 1) Describe EPA's investigation of the West, Texas facility, including timelines and scope.
- 2) Sec. 112(r) of the Clean Air Act, including the general duty clause, was passed to enhance safety and reduce the risk from explosive chemicals. The press has reported that the West facility stored large amounts of ammonium nitrate, which can be highly explosive. Why is ammonium nitrate not on the list of covered chemicals that facilities must report to EPA under the Risk Management Program?
- 3) Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Sec. 112(r).
- 4) Provide me with a list of all chemicals that facilities are required to report to state or local emergency planning authorities but are not required to report to EPA.
- 5) How many facilities fall under Sec. 112(r) of the Clean Air Act and where are they located?

- 6) How often are those covered facilities inspected by EPA officials?
- 7) Who at EPA has lead responsibility for Sec. 112(r) of the Clean Air Act, and how does EPA ensure that oversight is regularly conducted at covered facilities?
- 8) Describe any and all fines issued against the West facility for failing to comply with safety standards related to chemicals.
- 9) Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.
- 10) Describe how EPA can ensure that information about chemical accident prevention and emergency response could be distributed more widely to responsible authorities, including through electronic databases.

I greatly appreciate your attention to this request, as I plan to hold a hearing on this issue in the near future.

If you have any questions, please have your staff contact Grant Cope or Tom Fox at 202-224-8832.

Sincerely,



Barbara Boxer
Chairman
Senate Committee on Environment and Public Works